

EXHIBIT W

Incident Report

Office Of Sheriff Ron Hickman



1200 Baker Street
Houston, TX 77002
www.hcso.hctx.net
(713) 221-6000

16-155137
DRAFT

Supplement No
ORIG

Reported Date
09/29/2016
Report Type
INJ CHILD
Operator
TRAN, LINDA

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense No 16-155137		Supplement No ORIG		Reported Date 09/29/2016		Reported Time 09:59	
CAD Event No S0160966251		Status Incident Report		Report Type Injury to Child					
Location 1231 PIEDMONT CREEK TL								City Houston	
ZIP Code 77073		Officers Assaulted? No		Zone M21E20		District C4		Beat M21	
Operator S00598/TRAN, LINDA		Assignment SHERIFF'S DET. CHILD ABUSE		Entered By S00598					
Approval Time 14:23:00		Approving Officer S17184		Approval Date 09/29/2016					
# Offenses 1		Offense 22.04		Description INJURY TO CHILD, ELDE			Complaint Type		

Link COM	Involvement COM	Invl No 1	Name T [REDACTED], P [REDACTED]	Race A	Sex F
DOB [REDACTED]					
Link COM	Involvement COM	Invl No 2	Name T [REDACTED], D [REDACTED]	Race A	Sex M
DOB [REDACTED]					
Link SUS	Involvement SUS	Invl No 1	Name VU, TRANG	Race A	Sex M
DOB [REDACTED]					

Person Summary

Invl COM	Invl No 1	Type I	Name T [REDACTED], P [REDACTED]	MNI 7518941
Race A	Sex F	DOB [REDACTED]		
Invl COM	Invl No 2	Type I	Name T [REDACTED], D [REDACTED]	MNI 7518942
Race A	Sex M	DOB [REDACTED]		
Invl SUS	Invl No 1	Type I	Name VU, TRANG	MNI 7518943
Race A	Sex M	DOB [REDACTED]		

Synopsis and Dept Output

This report includes:

1. A CPS Intake Report was reviewed (44446320 / 67589889)
2. An Alleged Injury to a Child occurred

Report Officer S00598/TRAN, LINDA	Printed At 10/04/2016 09:33	APPENDIX 0394
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Complainant or victim 1: T P					
Involvement		Invl No		Type	
Complainant or victim		1		Individual	
Name				MNI	Race
T [REDACTED], P [REDACTED]				7518941	Asian
DOB		Age	Ethnicity	Juvenile?	
[REDACTED]		13	Not Hispanic or Latino	Yes	
Means of Attack				Family Violence	
Hands, fists and feet (Simple Assault)				Yes	
Type	Address				
Home	1231 PIEDMONT CREEK TL				
City	State	ZIP Code	Date		
Houston	Texas	77073	09/29/2016		
Relationship	Name				
Victim	P [REDACTED] T [REDACTED]				
Complainant or victim 2: T D					
Involvement		Invl No		Type	
Complainant or victim		2		Individual	
Name				MNI	Race
T [REDACTED], D [REDACTED]				7518942	Asian
DOB		Age	Ethnicity	Juvenile?	
[REDACTED]		11	Not Hispanic or Latino	Yes	
Type	Address				
Home	1231 PIEDMONT CREEK TL				
City	State	ZIP Code	Date		
Houston	Texas	77073	09/29/2016		
Relationship	Name				
Victim	D [REDACTED] T [REDACTED]				
Suspect 1: VU, TRANG					
Involvement		Invl No		Type	
Suspect		1		Individual	
Name					
VU, TRANG					
MNI	Race	Sex	Ethnicity		
7518943	Asian	Male	Not Hispanic or Latino		
Type	Address				
Home	1231 PIEDMONT CREEK TL				
City	State	ZIP Code	Date		
Houston	Texas	77073	09/29/2016		
Relationship	Name				
Father	TRANG VU				
Modus Operandi					
Gang Act?					
No					
Narrative					

Linda Tran, Paralegal
Harris County Sheriff's Office
Criminal Investigations Bureau
Special Victims Section/Child Abuse Unit
2500 Dunstan Rd., Suite 400
Houston, Texas 77005
713-830-3238

Thursday, September 29, 2016

1017 hours

CPS Intake Report #44446320 / 67589889

Synopsis:

I received a CPS Intake Report for review. According to the CPS report, I learned that the complainant, P [REDACTED] T [REDACTED] (12 years old), and D [REDACTED] T [REDACTED] (11 years old) reportedly made an outcry, that they were physically abused by their father, Trang Vu.

Based on the intake report, it was noted that, "father was very abusive towards 12 year old and 11 year old."

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S00598/TRAN, LINDA	10/04/2016 09:33 APPENDIX 0395

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Narrative

Note: Made attempts to make contact with screeners' via e-mail and left voicemail messages. But there were no return phone call or e-mail from screeners' to confirm whether or not the outcry was made.

Caseworker's name is Chika Nwachuku and her contact number is 713-767-2659.

Case Status: OPEN INVESTIGATION CONTINUES.

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1200 Baker Street
Houston, TX 77002
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0001**DRAFT**

Reported Date
09/30/2016
Report Type
INJ CHILD
Operator
HARDIN, G. W.

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense No 16-155137		Supplement No 0001		Reported Date 09/30/2016		Reported Time 07:00	
CAD Event No S0160966251		Status Incident Report		Report Type Injury to Child					
Location 1231 PIEDMONT CREEK TL								City Houston	
ZIP Code 77073	Officers Assaulted? No	Zone M21E20	District C4	Beat M21	From Date 06/21/2016	From Time 19:09			
Operator S27348/HARDIN, G. W.					Assignment SHERIFF'S DET. CHILD ABUSE			Entered By S27348	
Assignment SHERIFF'S DET. CHILD ABUSE			Approving Officer S17184			Approval Date 10/01/2016			
Approval Time 19:25:24									

Synopsis and Dept Output

- Case Review
- Research
- Updated CPS Intake Report obtained
- Autopsy Report obtained
- Email contact with LT. J. R. Johnson, HCSO Homicide Division
- Telephone contact with Officer Wendell Gilbert, Houston Police Department Homicide Division
- Briefing with Sgt. Ferguson, HCSO
- Case Closure

Modus Operandi

Gang Act?
No

Narrative

Deputy G.W. Hardin, Unit 60C18
Harris County Sheriff's Office
Special Victims Unit / Crimes Against Children Division
2500 Dunstan Rd, Suite 400
Houston, Texas 77005
713-830-3209

This supplement is to document this Investigator's actions in regards to this investigation. All actions documented in this supplement were performed on Friday, September 30, 2016. All times listed in this supplement are approximate.

Case Review: 0700hrs

I was assigned this case for follow-up investigation by my immediate supervisor, Sgt. M. Ferguson (Unit 60S20) of the Crimes Against Children Division for the Harris County Sheriff's Office.

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Narrative

I began my follow-up investigation by reviewing the original offense report, which I found was generated on September 29, 2016 by Linda Tran, who is employed as a Paralegal for the Harris County Sheriff's Office, Crimes Against Children Division. I learned the offense report was generated by Ms. Tran in response to receiving an Intake Report from the Department of Family and Protective Services (DFPS), otherwise known as Child Protective Services (CPS), under CPS Case #44446320. Ms. Tran's offense report only indicated that the 12-year old female Complainant, P██████T██████, and the 11-year old male Complainant, D██████T██████, reportedly made an outcry of being physically abused by their father, Trang Vu. No other relevant information was listed in Ms. Tran's offense report. Further review of the offense report cause me to learn that Ms. Tran's offense report only identified the Complainants' father (Trang Vu) by name, and did not list any identifying information. Ms. Tran uploaded the CPS Intake Report she had received into the E-files section of the offense report.

I reviewed the CPS Intake Report that was uploaded by Ms. Tran, and learned that the CPS Intake Report was generated on June 21, 2016. I learned from the CPS Intake Report that Ms. Tran's lack of identifying information for the Suspect was due to the CPS Intake Report not providing that information. I further learned from the CPS Intake Report that both Complainants were residing in foster care at the time of their outcry statements, and that the outcry statements were delayed from when the incidents occurred. I learned that the Complainants lived with their mother and father in Houston, Texas, prior to being placed into foster care. I learned that the Complainants were placed into foster care after the murder of their mother. The CPS Intake report did not identify the Complainants deceased mother. The CPS Intake Report however indicated that the Complainants mother was "beaten to death" and that the Complainants believed that their father caused the death of their mother.

The CPS Intake Report went on to document that during the outcry statement by P██████, she accused her father of striking her approximately 5 times about her head with a full can of soda. The outcry statement indicated that the father did this because he wanted P██████ to learn about the Muslim religion, but she did not want to. The outcry statement by P██████ indicated that the only reason her father stopped striking her with the full can of soda was because she agreed to learn about the Muslim religion.

The CPS Intake Report also indicated that both P██████ and D██████ also made outcry statements of their father producing a gun and trying to scare them with it. Their statements indicated that upon the father producing the gun, they ran out of the house and hid in some bushes several houses away from their own. The CPS Intake Report also documented outcry statements made by both P██████ and D██████ of their father driving them to a ditch and producing an axe, threatening them with it and saying that he would "chop them up with it".

At the time of being assigned this case by Sgt. Ferguson, the aforementioned information was all that was readily available.

Research: 0900hrs

After reviewing the existing case file, I began attempting to identify the Suspect (Complainants father) and the Complainants mother (possibly deceased). I began by conducting a search through the Automated Reporting System (ARS), which is the database used by the Harris County Sheriff's Office in the generation of offense reports. I conducted a name search of both Complainants and the Suspect.

Upon doing so, I found an offense report generated under HCSO Case #10-61273, where D██████T██████ was listed as a passenger in a motor vehicle that was involved in an accident. In the accident report, an Asian female named Tuyet Tran was listed as the driver. I found the address for D██████ and for Tuyet to be the same, 19822 Hidden Shadow Ln.

I further found an offense report generated under HCSO Case #10-134987, where P██████T██████ was documented as disclosing concerns to a school counselor of witnessing physical violence between her mother, Tuyet Tran, and her father, Trang Vu.

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I also found an offense report, generated under HCSO Case #10-119819, where Suspect Trang Vu and the Complainants' mother Tuyet Tran, were engaged in a physical altercation. The offense report documented that the Harris County District Attorney's Office was contacted, and no criminal charges were sought.

Through these offense reports, I was able to obtain identifying information for the Suspect, Trang Vu and the Complainants' mother, Tuyet Tran. I then conducted a search in TCIC/NCIC for Tuyet Tran (DOB [REDACTED]). Upon doing so, I located a State of Texas driver's license ([REDACTED]) that listed Trang Vu as an emergency contact. I further found that the driver's license listed Tuyet Tran as "reported deceased". During the search, I also located a State of Texas driver's license ([REDACTED]) for Trang Vu (DOB [REDACTED]).

Updated CPS Intake Report obtained: 1024hrs

I generated an email to Jamaica Thomas, who is a custodian of records for CPS. The email requested to be provided with any and all documentation in regards to CPS Case #44446320. I later received a return email from Mrs. Thomas, with an attached CPS Intake Report. The email indicated that an Investigation Report was not generated in reference to the case, due to the CPS Investigation being closed at Intake.

I reviewed the CPS Intake Report provided by Mrs. Thomas and learned the following was documented. It should be noted, that abbreviations are commonly used by CPS during documentation (REP=Reporter, MO=mother, SB=Sibling, OV=Oldest Victim, FA=father, AP=Alleged Perpetrator):

REP is director of operations for Harmony Public School. REP was asked to speak with MO about SB's suspension due to REP being able to speak Vietnamese. REP also spoke to OV about these concerns.

OV (12 year old female) resides with SB (10 year old male), MO, and FA/AP.

A Vietnamese speaker or interpreter will be needed to communicate with MO.

SB was suspended from school for choking another student at school. It is believed that SB's aggressive behavior may be a result of SB witnessing domestic violence by FA towards MO which has included FA hitting MO. It is said that FA often comes home angry and is mean to MO which escalates to FA hitting MO. When this happens, OV and SB get scared and go to their room. It is unknown if FA is under the influence of drugs or alcohol at these times.

During one recent incident, FA hit MO with a chair. This incident occurred away from OV and SB while MO and FA were at work.

MO has not reached out to LA as MO does not speak English. MO has no family in the area. The only family nearby is FA's family. MO is fearful of reaching out for help as MO does not want FA to retaliate against OV and SB.

FA has hit OV and SB. It is said that FA has a temper and hits OV and SB whenever they do not do well in school or there is an issue. FA is said to hit OV and SB in the arm when he is angry but it is said that this does not happen very often.

OV has recently started wearing a head scarf. OV indicates that FA told OV to wear it as a cultural learning experience. Underneath OV's head scarf, OV had a bump on her head. It is unknown how OV got the bump. There is no bruising or redness in the area so its possible the bump could be a bug bite or a pimple.

There have been no reports of any bruises or injuries of concern to SB.

SB often talks about violent movies he has seen. There is concern that SB may not know what is real and what is only part of the movie. FA says that it is a learning experience for SB to watch the movies however FA did agree

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to monitor what SB is watching and talk to SB about violence.

It is unknown if there are any weapons in the residence.

It is unknown if there are any gang related affiliations in the family.

There are no reports of any aggressive animals in the household.

OV and SB appear to be properly fed, clothed, and groomed. There is no information on the condition of the residence.

CASE DISPOSITION

Based on the preponderance of evidence there is reason to believe that Trang Vu and Tuyet Tran neglectfully supervised P [REDACTED] T [REDACTED] and D [REDACTED] T [REDACTED] because according to the mother and children there is domestic violence in the home. The mother, Tuyet Tran, stated the father, Trang Vu, is very controlling and that he has choked and hit her in the presence of the children.

On June 24, 2015 TDFPS took Emergency Custody of D [REDACTED] and P [REDACTED] T [REDACTED]. The case is being heard in the 314th court. The next court hearing is scheduled for July 7, 2015 at 9am. The Cause Number for the case is 2015-03795J.

SCREENER ASSESSMENT/CONCLUSION :

(Given the identified safety threats within the child's living environment, the child's vulnerability to the identified safety threats, and the caregiver's sufficient or insufficient ability to protect the child from the identified safety threats, provide supporting rationale for opening the intake for investigation or closing the intake without an investigation. **Safety Threats** are dynamics, conditions, or situations in a home that, alone or in combination, could indicate or contribute to an existing or developing danger for children **Child Vulnerability** refers to a child who is unable to protect him/herself. Some things to consider when assessing child vulnerability are: Is any child 5 years old, younger, or otherwise unable to protect him or herself? Is any child physically impaired, mentally impaired, or otherwise in need of special care? Is the behavior of any child hostile, aggressive, or unusually disturbed; fussy, or irritable; or seen as provoking? Does any child appear to fear retribution? **Protective Capacities** are strengths or capabilities that control or prevent safety threats from arising or from affecting a child.)

Case will remain a PN as recommended by SWI because the history of physical abuse the children are reporting this reporter/their Therapist happened prior to the children being in foster home. The children are currently in foster care and are safe and does not have contact to father as it was stated in the referral that father's where about is unknown at this time. Case will remain a PN as there are no known immediate safety concerns

The updated CPS Intake Report was uploaded into E-files of this supplement.

Autopsy Report obtained: 1030hrs

I received an email from Rosemary Valdes, who is a custodian of records for the Harris County Institute of Forensic Sciences (HCIFS). The email was in response to a previous email I had generated and sent to Mrs. Valdes, requesting to be provided with an autopsy report for a person who I believed to be deceased. I provided Mrs. Valdes with the full name, DOB, and TDL of Tuyet Tran, and requested that if an autopsy report exists, to be provided with it. I observed the email return from Mrs. Valdes included an attachment.

Upon review of the attachment, which was in .pdf format, I found the attachment to consist of an autopsy report generated under HCIFS Case #ML15-2613. I found the report to document the autopsy conducted on July 22, 2015 on the body of Tuyet N. Tran. The autopsy report documented the date of death of Tuyet Tran as July 21, 2015. The cause of death was documented as "blunt force head trauma" and the manner of death to be ruled as

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a Homicide. Further review of the autopsy report indicated that the deceased body was identified through fingerprints and confirmed to be that of Tuyet Tran.

I uploaded the autopsy report into E-files.

Email contact with LT. J. R. Johnson, HCSO Homicide Division: 1043hrs

I generated an email to LT. J. R. Johnson, who is supervises the Homicide Division for the Harris County Sheriff's Office. I provided LT. Johnson with the information that had been learned by me to this point, and requested to be provided with information in regards to the Homicide investigation. I received a return email from LT. Johnson indicating that the Homicide investigation was not being conducted by the Harris County Sheriff's Office, but rather by the Houston Police Department (HPD). LT. Johnson further provided me with HPD Case #0941745-15, as it related to the HPD homicide investigation.

Telephone contact with Detective Wendell Gilbert, Houston Police Department: 1227hrs

I made telephone contact with Detective Wendell Gilbert of the Homicide Division for the Houston Police Department. I learned that Detective Gilbert was conducting the investigation into the Homicide of the Complainants' mother, Tuyet Tran. During the course of the conversation, he requested to be provided with any offense reports generated by my agency in regards to P██████ T██████ D██████ T██████ Tuyet Tran, and Trang Vu. Detective Gilbert further requested to be provided with records of any calls for service to the residence of the parties, which he advised was 19822 Hidden Shadow Ln, Houston, TX 77073. Detective Gilbert also requested to be provided with the updated CPS Intake Report that I had obtained.

Briefing with Sgt. Ferguson, HCSO:

I updated Sgt. Ferguson of my findings. During the briefing, Sgt. Ferguson approved the release of the requested information to Detective Gilbert. Sgt. Ferguson also directed me to refer this investigation to Detective Gilbert, due to the Homicide Investigation taking precedence.

Case referred to other agency (Houston Police Department)